

MINUTES OF THE LAFAYETTE COMMON COUNCIL  
September 14, 2009  
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday September 14, 2009 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6<sup>th</sup> Street, Lafayette, Indiana.

President Steve Meyer called the meeting to order at 7:10 p.m.

The Pledge of Allegiance was given to the flag of our Country by Boy Scout Dan Davis from Troop #348 Buck Creek.

The following members were present:

Present: Heide, Klinker, Campbell, Cornstuble, Brown, Novak, Weast-Williamson, Downing and Meyer.

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Campbell moved to recess for a public hearing on Resolution 2009-12 ( A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement-Coleman-Cable), Councilman Klinker seconded. No public comment was heard. Councilman Campbell moved to reconvene the regular meeting. Councilman Brown seconded. The Motion passed by unanimous voice vote.

Councilman Campbell moved to approve the minutes from the August 3, 2009 regular council meeting. Councilman Heide seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Clerk's Office Monthly-July and August 2009  
Fleet Maintenance Department Monthly-July and August 2009  
Police Department Monthly-July 2009  
Water Works Department Monthly-July 2009  
Water Pollution Control Department Monthly-July 2009

**There are no Ordinances for Second Reading:**

**Ordinances for First Reading:**

The Clerk read Ordinance 2009-15 (An Ordinance Amending Ordinance 2009-12 to Provide for Semi-Annual Maturities of Bonds) by title only on first reading. Councilman Klinker moved for passage, Councilwoman Weast-Williamson seconded. City Attorney Ed Chosnek explained the amendment within the Ordinance. Ordinance 2009-15 passed 8-0 on a roll call vote on first reading. Councilman Campbell moved to suspend the rules to hear Ordinance 2009-15 on second and final reading. Councilman Cornstuble seconded. Suspension passed by council on a roll call vote of 8-0. Ordinance 2009-15 passed 8-0 on a roll call vote on second and final reading.

*\*Audio unavailable due to technical difficulty from this point forward.*

The Clerk read Ordinance 2009-16 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana-UZO Amendment # 61) by title only on first and final reading. Councilman Cornstuble moved for passage, Councilwoman Williamson seconded. City Attorney Ed Chosnek, spoke regarding this Ordinance. Ordinance 2009-16 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2009-17 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana-UZO Amendment # 62) by title only on first and final reading. Councilman Heide moved for passage, Councilwoman Williamson seconded. Councilman Cornstuble spoke regarding this Ordinance. Ordinance 2009-17 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2009-18 (An Ordinance to Amend the Subdivision Ordinance of Tippecanoe County, Indiana-USO Amendment #5) by title only on first and final reading. Councilman Cornstuble moved for passage, Councilwoman Novak seconded. Councilman Cornstuble spoke regarding this Ordinance. Ordinance 2009-18 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Ordinance 2009-19 (An Ordinance of the Common Council of the City of Lafayette, Indiana Authorizing the Mayor and/or Controller of the City of Lafayette, Indiana, to make Temporary Loans to Meet Current Operating Expenses of Various Funds of the City in Anticipation of and not Excess of Current Taxes Levied in the Year 2008, and Collectable in the Year 2009, Authorizing the Issuance of Temporary Loan Warrants to Evidence Such Loans and the Sale of Such Warrant and Appropriating and Pledging the Taxes to be Received in Such Funds to the Payment of Such Warrants including there Interest Thereon) by title only on first reading. Councilman Campbell moved for passage, Councilman Brown seconded. Perry Barbee, 1714 Union Street questioned what the interest rate would be. Mayor Roswarski responded that it was not to exceed 8% (eight percent). Ordinance 2009-19 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2009-20 (An Ordinance Amending Section 8.08.140 and Enacting a New Article, Sections 8.08.800-.890, of the City of Lafayette Municipal Code Providing for a Storm water Service Charge in the City of Lafayette, Indiana) by title only on first reading. Councilman Downing moved for passage, Councilman Brown seconded. Mayor Roswarski spoke in support of the ordinance. Brad Talley, Waste Water supervisor spoke regarding the CSO (Combined Sewer Overflows) and explained why the city is mandated by the federal government to make the current updates. City Attorney, Ed Chosnek explained that the State and Federal governments adopted that cities cannot dump any polluted discharge into any stream. He explained that the city is under a court decree with IDEM to be in compliance with the Clean Water Act. A permit thru the NPDES allows us twenty years to eliminate all CSO's. Non-compliance by the City could result in fines up to \$500 (Five hundred dollars) per week. Mr. Chosnek requested the council amend the ordinance in its entirety to due to changes that now allow the impervious areas to be measured instead of estimated. Councilman Campbell moved to replace Ordinance 2009-20 in its entirety with amended Ordinance 2009-20, Councilman Klinker seconded. Amendment passed on roll call vote 8-0. Jenny Miller, City Engineer spoke regarding the Storm water Program and thanked Crystal Joshua, Engineering Assistant for her work on developing the program. Mike Massonne, DLZ Engineering Consultant gave a short presentation regarding the projects associated with the program. John Skomp, Financial Consultant, Crowe Horwath stated the Storm water Service charge will be Five Dollars (\$5.00) per ERU (equivalent residential unit) for Residential Properties and Non-Residential Properties shall be assessed on a monthly basis based/or measured on the maximum lot coverage percentage for the zoning district in which the parcel is located. Mr. Skomp also spoke regarding costs associated with the projects. Pearl Speakman, 923 S.22<sup>nd</sup> Street, Wick Dixon 3204 Elmwood Ave and Terry Masterson 1115 Central Ave. spoke regarding the ordinance. Amended Ordinance 2009-20 passed 8-0 on a roll call vote on first reading.

Councilman Campbell moved to set a public hearing on Monday, October 5, 2009 at 7:01 PM Councilwoman Williamson seconded. The motion passed by unanimous voice vote.

*\*Audio resumed*

The Clerk read Ordinance 2009-21 (An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette Indiana, for the Year 2010, Excluding the Sworn Protective Occupation and Law Enforcement Members) by title only on first reading. Councilman Brown moved for passage, Councilman Cornstuble seconded. Mayor Roswarski spoke regarding the (3) three salary ordinances stating there will be no pay increases in 2010 in any areas. Ordinance 2009-21 passed 8-0 on a roll call vote on first reading. Councilman Campbell moved to set a public hearing for Wednesday, September 23, 2009 at 5:30 P.M., Councilman Brown seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 2009-22 (An Ordinance Fixing the Salaries of the Sworn Protective Occupation and Law Enforcement (POLE) Members of the Police and Fire Departments of the City of Lafayette, Indiana, for the Year 2010) by title only on first reading. Councilman Campbell moved for passage, Councilman Heide seconded. Ordinance 2009-22 passed 7-0 on a roll call vote on first reading as follows. Ayes: Heide, Klinker, Cornstuble, Campbell, Brown, Novak and Downing  
Nays: None  
Abstained: Weast-Williamson  
Councilwoman Williamson abstained to a Conflict of Interest. Councilman Klinker moved to set a public hearing for Wednesday, September 23, 2009 at 5:31 P.M., Councilman Campbell seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 2009-23 (An Ordinance Fixing the Salaries of the Elected Officials of the City of Lafayette, Indiana, for the Year 2010) by title only on first reading. Councilman Cornstuble moved for passage, Councilman Brown seconded. Ordinance 2009-23 passed 8-0 on a roll call vote on first reading. Councilman Cornstuble moved to set a public hearing for Wednesday, September 23, 2009 at 5:32 P.M., Councilman Brown seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 2009-24 (2010 Budget Ordinance) by title only on first reading. Councilman Campbell moved for passage, Councilwoman Novak seconded. Ordinance 2009-24 passed 8-0 on a roll call vote on first reading. Councilman Campbell moved to set a public hearing for Wednesday, September 23, 2009 at 5:33 P.M., Councilman Heide seconded. The motion passed by unanimous voice vote.

#### Resolutions:

The Clerk read Resolution 2009-13 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement-Coleman Cable, Inc.) by title only on first and final reading. Councilman Brown moved for passage, Councilman Downing seconded. Andy Wiseman, Plant Manager from Coleman Cable spoke regarding the abatement. Resolution 2009-13 passed 8-0 on a roll call vote on first and final reading.

Reports of Standing Committees: Councilwoman Novak reported that Public Health & Safety met at 6:00 pm earlier tonight and it was recommended that the Amended Ordinance 2007-14, (regarding the animal ordinance-prohibited livestock) remain unchanged.

Reports of Special Committees: None

Report by the Mayor: None

#### Miscellaneous and New Business:

Councilman Campbell moved to set a public hearing for Ordinance 2009-13 ( An Ordinance Annexing Certain Lands into the City of Lafayette, Indiana-2009 Annexation), for Tuesday, October 20, 2009 at 5:30 pm, Councilman Cornstuble seconded. The motion passed by unanimous voice vote.

Councilman Cornstuble moved to set a Special Council Session for the purpose of second reading on Ordinance 2009-13 on Monday, November 23, 2009 at 5:30 pm. The motion passed by majority voice vote with Councilman Klinker opposing.

Public Comment:

Pearl Speakman, 923 So.22<sup>nd</sup> Street thanked the Mayor for keeping trash collection free and thanked police officer Nick Amor for assisting him with a neighborhood dispute.

Earl Stanton, 1013 Elizabeth Street spoke in support of the storm water fees in Ordinance 2009-20.

Terry Masterson, 1115 Central Street spoke regarding storm water options.

Councilman Campbell moved to adjourn Councilwoman Novak seconded. Meeting adjourned at 9:15 pm

Minutes prepared by Cindy Murray, City Clerk

Partial audio of meeting available in the City Clerks office or at [www.lafayette.in.gov](http://www.lafayette.in.gov)